

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

ARTURO HERNANDEZ-ESCOBAR,

Petitioner,

v.

Case No. 06-C-633

BUREAU OF IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

ORDER

Arturo Hernandez-Escobar is currently incarcerated at the Stanley Correctional Institution, a state facility. He filed the present action styled as a “petition for writ of habeas corpus,” along with the \$5 filing fee. Assuming the petition is properly filed, the relief petitioner seeks is not available. He states that he is not in this country lawfully and is not, therefore, a “14th Amendment of the United States Constitution Citizen.” As such, he believes he was not subject to the jurisdiction of the Wisconsin state courts when he was convicted. The remedy he seeks is immediate deportation to Mexico.

The Constitution confers authority on state courts to hear criminal cases against citizens and non-citizens alike. The petitioner’s argument that the circuit court lacked subject matter jurisdiction over his case is therefore unfounded. As this is the sole basis for the relief he seeks, his petition will be summarily dismissed pursuant to Rule 4 of the Rules Governing § 2254 Cases or, alternatively, on this court’s inherent authority.

Pursuant to Rule 4 of the Rules Governing § 2254 Cases, copies of the petition and this order will be mailed to respondent and to the Attorney General for the State of Wisconsin, c/o Gregory M. Weber, Assistant Attorney General, P.O. Box 7857, Madison, WI 53707.

The petition is denied and the case is dismissed.

SO ORDERED this 31st day of May, 2006.

s/ William C. Griesbach
William C. Griesbach
United States District Judge